

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

KIMBERLEE JEAN MCCOOL
XXX-XX-4694
P.O. BOX 371
CALLOWAY, MD 20620

DEBTOR

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CASE NO. 14-40276-R

CHAPTER 13

MOTION TO DISMISS AND SETTING HEARING

**THE TRUSTEE REQUESTS THE COURT TO SET THIS MOTION FOR HEARING ON May 24, 2017,
AT 10:00 am AS FOLLOWS:**

**Plano Bankruptcy Courtroom
660 North Central Expressway
Third Floor
Plano, Texas 75074**

COMES NOW Carey D. Ebert, Chapter 13 Trustee, and files this Motion to Dismiss and Setting Hearing in the above numbered and styled proceeding, and for cause would show the Honorable Court as follows:

1. The Debtor has unreasonably delayed the case because the Debtor has failed to make Chapter 13 plan payments as required by 11 USC §1326(a)(1). As of April 21, 2017, the Debtor is in arrears in the amount of \$3,010.35 .

2. Failure to perform this duty constitutes an unreasonable delay by the Debtor that is prejudicial to creditors under 11 USC §1307(c)(1) and amounts to a material default of a confirmed plan under 11 USC §1307 (c)(6), and thus, cause exists for dismissal.

WHEREFORE, PREMISES CONSIDERED, Carey D. Ebert, Chapter 13 Trustee, prays that this case be dismissed for cause.

Respectfully submitted,

/s/ Carey D. Ebert

Carey D. Ebert, Chapter 13 Trustee, TBN 05332500
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074
(972) 943-2580 / Fax (972) 943-8050

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion to Dismiss and Setting Hearing has been served upon the following parties in interest by mailing a copy of same to them via first class mail and uploaded to the Court for service by the Bankruptcy Noticing Center to the parties on the Court's mailing matrix on the date set forth below .

KIMBERLEE JEAN MCCOOL
P.O. BOX 371
CALLOWAY, MD 20620

Dated: April 21, 2017

/s/ Carey D. Ebert

Office of the Standing Chapter 13 Trustee